

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Monique West	Team: Squad #2	CCRB Case #: 201504429	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/19/2015 4:18 PM	Location of Incident: 14-41 150 Street	Precinct: 109	18 Mo. SOL 11/19/2016	EO SOL 11/19/2016	
Date/Time CV Reported Sat, 05/30/2015 1:22 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 05/30/2015 1:22 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Evangelos Galatas	28484	932677	109 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Vincent Monte	28855	904614	109 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Evangelos Galatas	Abuse: PO Evangelos Galatas refused to provide his shield number to § 87(2)(b)	
B.POM Evangelos Galatas	Discourtesy: PO Evangelos Galatas acted rudely toward § 87(2)(b)	
C.POM Evangelos Galatas	Force: PO Evangelos Galatas used a chokehold against § 87(2)(b)	

### Case Summary

On May 19, 2015, at approximately 4:10 p.m., PO Evangelos Galatas and PO Vincent Monte of the 109<sup>th</sup> Precinct observed § 87(2)(b) sitting in his car while parked at a bus stop at 14-41 150<sup>th</sup> Street in Queens. During his interaction with the officers, § 87(2)(b) pulled out his phone to record the incident. § 87(2)(b) asked PO Galatas for his shield number to which he responded, “It’s right there” (**allegation A**). PO Galatas allegedly hit § 87(2)(b)’s phone out of his hand before attempting to place him in handcuffs (**allegation B**). As PO Galatas attempted to restrain § 87(2)(b) he allegedly grabbed and pulled a lanyard that was around § 87(2)(b)’s neck (**allegation C**). Video footage from § 87(2)(b)’s phone captured a small part of the incident (Board Review 01). § 87(2)(b) was arrested and charged with resisting arrest, OGA in the second degree, and disorderly conduct: fight/violent behavior (Board Review 02). § 87(2)(b) also received a summons for standing in a bus stop (Board Review 03). § 87(2)(b)’s criminal case is still pending (Board Review 04).

### Mediation, Civil and Criminal Histories

- As a result of § 87(2)(b)’s arrest and subsequent open criminal case, this case was unsuitable for mediation.
- § 87(2)(b) has no criminal convictions (Board Review 05).
- As of August 4, 2015, § 87(2)(b) has not filed a notice of claim regarding this incident (Board Review 06).

### Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
- PO Galatas has been a member of the NYPD for 12 years, has had eight previous CCRB allegations involving five cases with no substantiated allegations. In CCRB #201504631, which occurred one week after this incident, it was also alleged that PO Galatas refused to provide his shield number during this incident. This allegation was closed as complainant uncooperative (see officer history).

### Findings and Recommendations

#### Allegations not pleaded

- **Abuse of Authority- Property Damage:** § 87(2)(b) alleged during his initial statement that when PO Galatas hit his phone out of his hand, it dropped and was subsequently damaged. § 87(2)(b) did not make this allegation during his sworn statement. § 87(2)(b)’s girlfriend, stated that PO Galatas placed § 87(2)(b)’s phone in their car after his arrest and she did not see any damage to the phone. Therefore, this allegation is not pleaded.
- **Force:** § 87(2)(b) alleged that PO Galatas, in the process of handcuffing him, grabbed him by his back and threw him against the car. § 87(2)(b) did not sustain any injuries from this force and admitted to resisting arrest. Forcefully pushing resisting individuals against a car in order to place them in handcuffs is a tactic used by members of the

NYPD to overcome resistance and, without causing injuries, does not rise to the level of force. Therefore, a force allegation is not pleaded.

**Allegation A– Abuse of Authority: PO Evangelos Galatas failed to provide his name and shield number to § 87(2)(b)**

It is undisputed that § 87(2)(b) asked PO Galatas for his shield number as PO Galatas was issuing him a summons for standing in a bus stop and PO Galatas failed to provide it.

§ 87(2)(b) stated that he told PO Galatas that he was sorry for not moving when he was warned the first time and attempted to explain that his girlfriend was putting their baby in the car. PO Galatas told him that he did not care and continued to write the summons. § 87(2)(b) began to record the incident on his phone and asked PO Galatas for his shield number. PO Galatas allegedly responded by pointing to his shield (Board Review 08). § 87(2)(b) stated that § 87(2)(b) asked PO Galatas for his shield number but he did not respond (Board Review 09).

Even after watching the video, PO Galatas had no independent recollection of § 87(2)(b) asking for his shield number. He stated that he did not hear him make this request at the time (Board Review 10). PO Monte stated that he did not hear § 87(2)(b) ask PO Galatas for his shield number (Board Review 11).

Video footage revealed that PO Galatas responded, “It’s right there” in response to § 87(2)(b)’s request for his shield number. § 87(2)(b) then asked for PO Galatas’ name to which PO Galatas responded, “I’m trying to finish the summons” (Board Review 01).

According to Patrol Guide Procedure 203-09 officers must clearly state their name, rank, shield number and command, or otherwise provide it, to anyone who requests them to do so and allow the person ample time to record this information. In PD v. Delacruz, an administrative law judge, stated, “Nothing in the Patrol Guide allows [an officer] to simply raise his shield in [an individual’s] face, lift his shield off his chest, or to show [an individual a] summons in response to a request to identify himself” NYPD v. Delacruz, Case No. 82622/07 (Board Review 12)

§ 87(2)(b), § 87(2)(g)

**Allegation B- Discourtesy: PO Evangelos Galatas acted rudely toward § 87(2)(b)**

§ 87(2)(b) stated when PO Galatas began to write him a summons, he stepped out of his car to record the encounter on his phone. PO Galatas put his hand on his shoulder and told him to move. § 87(2)(b) told him that he would move but asked him not to touch him. PO Galatas put his hand on § 87(2)(b)’s shoulder again and asked him a second time to move. § 87(2)(b) repeated that he would move but asked him not to touch him. PO Galatas allegedly hit § 87(2)(b)’s phone out of his hand, grabbed him by his back and threw him against his car. § 87(2)(b) continued to tell him not to touch him and to get off of him and admitted to resisting arrest by pulling one of his arms away. § 87(2)(b) stated that during the struggle § 87(2)(b)’s phone either dropped or got knocked out of his hand but she was not sure which one. § 87(2)(b) a UPS driver who was also being issued a summons at the time for parking in a bus stop, stated that at the point § 87(2)(b) was being restrained, he no longer had his phone in his hand; however, he did not see what happened to his phone (Board Review 13).

PO Galatas did not know what happened to § 87(2)(b)'s phone but he did not intentionally hit it out of his hand. PO Monte did not know what happened to § 87(2)(b)'s phone but did not see PO Galatas strike it out of § 87(2)(b)'s hand.

Video footage from § 87(2)(b)'s phone shows that the phone was moved around before the footage ends; however, it does not show what caused this.

§ 87(2)(b) admits to resisting arrest which could have caused his phone to get knocked out of his hand.

§ 87(2)(b), § 87(2)(g)

**Allegation C- Force: PO Evangelos Galatas used a chokehold against § 87(2)(b)**

§ 87(2)(b) stated that he was wearing his keys on a lanyard around his neck during the incident. He alleged that as PO Galatas was attempting to restrain him, PO Galatas grabbed the lanyard and pulled it back so that the lanyard was forcefully pressed against the front of his neck for approximately 30 seconds. His breathing was not restricted. § 87(2)(b) corroborated his statement that PO Galatas grabbed the lanyard but stated that the lanyard appeared to be pressed against the back of § 87(2)(b)'s neck. § 87(2)(b) did not notice anything around § 87(2)(b)'s neck and did not see an officer grab anything that may have been around his neck.

PO Galatas did not recall § 87(2)(b) having anything about his neck. He admitted to having his left hand on the back of § 87(2)(b)'s neck in attempt to hold him down and stated that it was possible that his hand pulled his lanyard; however, he did not recall this happening and he did not intentionally grab anything that was around his neck. PO Monte did not recall § 87(2)(b) having anything around his neck and did not see PO Galatas pull anything that was around § 87(2)(b)'s neck.

The CCRB Standard Operating Procedure Memo regarding chokeholds defines a chokehold as an officer applying pressure to a person's throat or windpipe.

§ 87(2)(b), § 87(2)(g)

Pod: 2

Investigator:	_____	_____	_____
	Signature	Print	Date

Pod Leader:	_____	_____	_____
	Title/Signature	Print	Date

Attorney:	_____	_____	_____
	Title/Signature	Print	Date